



April 1, 2009

ENGROSSED HOUSE BILL No. 1716

DIGEST OF HB 1716 (Updated March 30, 2009 12:57 pm - DI 14)

Citations Affected: IC 14-13; noncode.

Synopsis: Little Calumet River basin development commission. Changes the membership of and the qualifications for membership on the Little Calumet River basin development commission (commission). Requires record keeping and audits of the commission's accounts. Requires the commission to prepare reports annually, or more frequently as required by the governor. Staggers the initial terms of the members. Requires the commission to provide or provide for the training and instruction of persons who are responsible for maintaining levees or other improvements related to flood control. Makes conforming changes.

Effective: June 1, 2009; July 1, 2009.

**Soliday, Lawson L, Stevenson,
Candelaria Reardon**

(SENATE SPONSORS — CHARBONNEAU, MRVAN, ROGERS, LANDSKE,
TALLIAN)

January 22, 2009, read first time and referred to Committee on Government and Regulatory Reform.

February 19, 2009, amended, reported — Do Pass.

February 23, 2009, read second time, amended, ordered engrossed.

February 24, 2009, engrossed.

February 25, 2009, read third time, passed. Yeas 95, nays 2.

SENATE ACTION

March 3, 2009, read first time and referred to Committee on Natural Resources.

March 31, 2009, amended, reported favorably — Do Pass.

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EH 1716—LS 6569/DI 77+



April 1, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1716

A BILL FOR AN ACT to amend the Indiana Code concerning
natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-13-2-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The commission
3 has ~~eleven (11)~~ members as follows:

4 (1) ~~One (1)~~ member appointed by the county executive of Lake
5 County;

6 (2) ~~One (1)~~ member appointed by the county executive of Porter
7 County;

8 (3) ~~One (1)~~ member appointed by the executive of Gary;

9 (4) ~~One (1)~~ member appointed by the executive of Hammond;

10 (5) ~~One (1)~~ member appointed by the director;

11 (6) ~~six (6)~~ **five (5)** members appointed by the governor.

12 (b) Not more than six (6) members may belong to the same political
13 party. The governor shall make appointments after all the others are
14 made so that this requirement is feasible to implement.

15 (b) The governor shall appoint members of the commission so
16 that the following requirements are met:

17 (1) One (1) member must be a representative of the

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department of natural resources. The member may not be an employee or elected official of a city, town, or county governmental unit.

(2) The remaining four (4) members must meet the following requirements:

(A) Four (4) members must reside in a:

- (i) city that borders the Little Calumet River;
- (ii) town that borders the Little Calumet River;
- (iii) township (if the member resides in an unincorporated area of the county that borders the Little Calumet River); or
- (iv) the geographic area covered under IC 14-13-2-6(a).

(B) At least three (3) of the members must have a background in:

- (i) construction;
 - (ii) project management; or
 - (iii) flood control;
- or a similar professional background.

(C) A member may not be an employee or elected official of a city, town, or county governmental unit.

SECTION 2. IC 14-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The commission shall meet on call of any of the following:

- (1) The chairman.
- (2) The executive director.
- (3) Any three (3) members.

(b) ~~Six (6)~~ **Three (3)** commission members constitute a quorum.

SECTION 3. IC 14-13-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) The commission may provide for the construction, improvement, development, operation, and management of projects, including any facilities, betterments, and improvements that are part of projects, in the manner that the commission considers appropriate in furtherance of the purposes of this chapter.

(b) The commission may enter into:

- (1) a lease agreement as lessor or sublessor; or
- (2) an operation or a license agreement;

with respect to all or part of a site, a facility, a betterment, or an improvement that is part of projects with at least one (1) public or private person or entity, including political subdivisions of the state and public agencies, departments, and agencies, on the terms and conditions that the commission considers appropriate in furtherance of

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the purposes of this chapter.

(c) The commission shall provide or provide for the training and instruction of persons who are responsible for maintaining any levees or other improvements related to flood control under this article. The training and instruction must be sufficient to enable those persons to properly maintain the levees or other improvements related to flood control.

SECTION 4. IC 14-13-2-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 30. The commission is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:**

(1) prescribe the methods and forms for the keeping of; and

(2) annually audit;

the accounts, records, and books of the commission and fund.

SECTION 5. IC 14-13-2-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31. (a) Subject to subsection (c), before November 1 of each year, the commission shall make a report of the commission's activities to the following:**

(1) The governor.

(2) The legislative council.

(b) A report made to the legislative council under this section must be in an electronic format under IC 5-14-6.

(c) The governor may require the commission to issue reports more frequently than would otherwise be required under subsection (a).

SECTION 6. [EFFECTIVE JUNE 1, 2009] (a) The definitions that apply to IC 14-13-2 also apply to this SECTION.

(b) Notwithstanding IC 14-13-2-8, the terms of the members of the commission serving on June 30, 2009, expire on June 30, 2009.

(c) The governor shall appoint five (5) members to the commission under IC 14-13-2-7, as amended by this act. Notwithstanding IC 14-13-2-8, the members appointed under this SECTION have the following initial terms:

(1) One (1) member has a term of one (1) year.

(2) One (1) member has a term of two (2) years.

(3) One (1) member has a term of three (3) years.

(4) Two (2) members have a term of four (4) years.

(d) An individual appointed to the commission under subsection (c) becomes a member of the commission:

(1) on July 1, 2009; or

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1 (2) on the date of appointment, if that date follows July 1,
2 2009.
3 However, for purposes of determining when the initial term of a
4 member appointed under subsection (c) expires, July 1, 2009, shall
5 be treated as the date on which the member's term began.
6 (e) This SECTION expires July 1, 2013.
7 SECTION 7. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1716, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 15 through 17, begin a new paragraph and insert:

"(b) The governor shall appoint members of the commission so that the following requirements are met:

(1) One (1) member must be a representative of the department of natural resources. The member may not be an employee or elected official of a city, town, or county governmental unit.

(2) The remaining four (4) members must meet the following requirements:

(A) Four (4) members must reside in a:

(i) city;

(ii) town; or

(iii) township (if the member resides in an unincorporated area of the county);

that borders the Little Calumet River.

(B) At least three (3) of the members must have a background in:

(i) construction;

(ii) project management; or

(iii) flood control;

or a similar professional background.

(C) A member may not be an employee or elected official of a city, town, or county governmental unit."

Page 2, delete lines 1 through 9.

and when so amended that said bill do pass.

(Reference is to HB 1716 as introduced.)

BARTLETT, Chair

Committee Vote: yeas 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1716 be amended to read as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 3. IC 14-13-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) The commission may provide for the construction, improvement, development, operation, and management of projects, including any facilities, betterments, and improvements that are part of projects, in the manner that the commission considers appropriate in furtherance of the purposes of this chapter.

(b) The commission may enter into:

- (1) a lease agreement as lessor or sublessor; or
- (2) an operation or a license agreement;

with respect to all or part of a site, a facility, a betterment, or an improvement that is part of projects with at least one (1) public or private person or entity, including political subdivisions of the state and public agencies, departments, and agencies, on the terms and conditions that the commission considers appropriate in furtherance of the purposes of this chapter.

(c) The commission shall provide or provide for the training and instruction of persons who are responsible for maintaining any levees or other improvements related to flood control under this article. The training and instruction must be sufficient to enable those persons to properly maintain the levees or other improvements related to flood control."

Re-number all SECTIONS consecutively.

(Reference is to HB 1716 as printed February 20, 2009.)

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 COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1716, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 7, delete "city;" and insert "**city that borders the Little Calumet River;**".

Page 2, line 8, delete "town or;" and insert "**town that borders the**".

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Little Calumet River;".

Page 2, line 10, delete "county);" and insert "**county that borders the Little Calumet River); or**

(iv) the geographic area covered under IC 14-13-2-6(a).".

Page 2, delete line 11.

and when so amended that said bill do pass.

(Reference is to HB 1716 as reprinted February 24, 2009.)

MISHLER, Chairperson

Committee Vote: Yeas 9, Nays 1.

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